

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

American General Contractors, Inc.,

Court File No.: _____

Plaintiff,

vs.

NOTICE OF REMOVAL

General Casualty Company of Wisconsin, a
foreign insurance corporation,

Defendant.

TO: United States District Court for the District of North Dakota; and

Plaintiff American General Contractors, Inc. and its attorneys Duane A. Lillehaug, Maring Williams Law Office, P.C., 1220 Main Avenue, Suite 105, P.O. Box 2103, Fargo, North Dakota 58107-2103:

Defendant General Casualty Company of Wisconsin hereby states as follows:

1. General Casualty Company of Wisconsin (hereafter "General Casualty") is a defendant in a civil action brought against it in Barnes County District Court, State of North Dakota, entitled *American General Contractors, Inc. v. General Casualty Company of Wisconsin, a foreign insurance corporation*. The Summons and Complaint, a copy of which is attached hereto as Exhibit A, was mailed to the North Dakota Insurance Commissioner for admission of service on March 3, 2010, with a copy also being sent to counsel for General Casualty on that same date. No further process, pleadings or orders have been served upon General Casualty.
2. The Complaint shows that this is a declaratory judgment action wherein American General Contractors, Inc. seeks a declaration that General Casualty is obligated to indemnify it for claims and damages awarded against it in arbitration by the Turtle Mountain Housing Authority in relation to construction of a housing complex.

3. The above-described action is a civil action in which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this District Court by General Casualty pursuant to 28 U.S.C. §1441, as the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

4. In the Complaint, American General Contractors, Inc. requests a judgment for damages well in excess of \$75,000, exclusive of interests and costs.

5. Upon information and belief, Plaintiff American General Contractors, Inc. is a citizen of North Dakota, having its principal place of business in Valley City, North Dakota.

6. Defendant General Casualty is a citizen of the State of Wisconsin as that it the state of its incorporation and its principal place of business is in Sun Prairie, Wisconsin. General Casualty in not incorporated in, nor does it have any principal offices in, the State of North Dakota.

7. Defendant General Casualty desires to, and hereby does, remove this civil cause of action from the Barnes County District Court to the United States District Court for the District of North Dakota, within the district in which the action is pending.

8. This Notice of Removal is filed with the United States District Court for the District of North Dakota within thirty days after receipt by General Casualty, through service or otherwise, a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

9. Written notice of the filing of this Notice of Removal has been given, by facsimile and mail, to Plaintiff, through its counsel, and a copy of the same has been filed, by mail, with the Court Administrator for Barnes County District Court.

WHEREFORE, Defendant General Casualty Company of Wisconsin hereby prays that this action be removed from the Barnes County District Court to the United States District Court for the District of North Dakota.

COUSINEAU McGUIRE CHARTERED

Dated: March 18, 2010

By:

Tamara L. Novotny
TAMARA L. NOVOTNY (N.D. #05594)

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